

handling intelligence. It also establishes homeland security fusion centers to bring Federal, State and local anti-terrorism efforts under the same roof and promote further information sharing.

The bill makes progress in other areas identified by the 9/11 Commission as needing improvement. It provides support to State and local governments to establish incident command stations to coordinate response efforts during a terrorist attack or other disasters. It calls for a national strategy for transportation security to provide transit system operators with guidance to protect passengers and infrastructure. It calls on the Department of Homeland Security to make annual risk assessments of critical infrastructure, and to make recommendations for hardening those targets and putting other countermeasures in place.

The bill also strengthens the Privacy and Civil Liberties Board in significant ways. It requires Senate confirmation of all of its members and ensures that no more than three members will be of the same party. Importantly, it requires that the Board expand its public activities, which will allow for greater accountability. It also gives the Board authority to request that the Attorney General issue a subpoena and requires that the Attorney General notify Congress if he does not do so. Finally, it includes a \$30 million authorization over the next 4 years to ensure that it has the resources to carry out its important responsibilities.

In some areas, the bill could be improved. The 9/11 Commission recommended that homeland security funds be allocated strictly on the basis of risk. While all States may bear some degree of risk, our experience on 9/11 suggests that terrorists are most likely to target areas that will produce the greatest loss of life or property or national symbols. The bill improves on current law in allocating resources under the largest of the homeland security grant programs—the State homeland security grants. Currently, each State is guaranteed at least three-quarters of 1 percent of the total appropriated for the program. That may seem like a relatively modest amount, but when you multiply it 50 times, it represents nearly 40 percent of the total appropriation. The bill lowers the minimum guarantee to 0.45 percent, allowing more of the overall sum to be allocated based purely on actual risk. The House bill lowers that amount even further to one-quarter of 1 percent. The issue is how best to allocate these limited resources, and I believe the House funding formula more faithfully reflects the 9/11 Commission's recommendation and is the wisest use of limited resources.

On the bill's proposal for a National Bioterrorism Integration Center, I agree that the Nation must be able to rapidly identify and localize biological threats, but I am concerned that this new system will duplicate existing dis-

ease monitoring systems. I appreciate the chairman's willingness to work out ways to minimize duplication and allow a flow of information between the new system proposed in the bill and existing disease monitoring systems.

One issue not addressed in this legislation is the health needs of first responders, volunteers, and residents of New York City harmed by the 9/11 terrorist attacks. On that day, valiant police officers, firefighters and health care workers rushed to the site, and many lost their lives. Many others today are sick, and growing sicker, because of their heroism. Tens of thousands of others who worked to clean up and rebuild downtown Manhattan were also exposed to a toxic mix of dust and chemicals whose effects are just beginning to be understood. This is an issue we will be taking up in the coming weeks in the HELP Committee, with the leadership of Senator CLINTON, and I hope we can work together to enact legislation to help these brave men and women and their families as soon as possible.

Again, I commend the committee for proposing this needed bipartisan bill.

We also owe an immense debt to the members of the 9/11 Commission, especially Chairman Tom Kean and Vice Chairman Lee Hamilton, for never relenting in their mission to see that their recommendations are implemented to protect the Nation from future terrorist attacks. I have no doubt that their persistence is in no small part the reason this bill is being acted on today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Ms. COLLINS. Mr. President, for the information of our colleagues, I know the distinguished assistant leader is going to be making comments shortly about the schedule tomorrow, but it appears there may be two rollcall votes. It is still being negotiated as to exactly what they are going to be on. It looks as if they may be on amendments offered by Senators SALAZAR and SUNUNU.

I want, for the record, to state those amendments are acceptable on this side of the aisle. I was prepared to accept them without the need for a rollcall vote, but at this point it is my understanding that rollcalls are likely for tomorrow. I am sure we will hear shortly from the leaders on that.

Mr. President, I thank my colleague for allowing me to precede him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I will speak to the schedule and adjournment

in just a moment, but before that I ask unanimous consent to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DARFUR

Mr. DURBIN. Mr. President, I come again to the floor this evening to speak about Darfur in Sudan. Most Americans are now familiar with what is going on in this remote part of our world.

Hundreds of thousands of people have died. Two million have been forced to flee their homes and still cannot return. Humanitarian workers have been raped, beaten, arrested, and killed.

This is genocide. That is a word we should use with the utmost caution. If we misuse the term, we diminish it; we dilute its power. But if we fail to use the word or if we use it and fail to act, then that is even worse.

The entire world has allowed Darfur to happen. Now it is up to every one of us to stop it. Those of us who have the privilege of being elected to office have a higher responsibility than most. We sought out these positions, and we must assume the duties that come with them.

There are few duties more fundamental than the obligation to save innocent men, women, and children from slaughter.

This week, Luis Moren-Ocampo, the International Criminal Court's prosecutor, presented evidence on the mass murder in Darfur to the judges of the International Criminal Court. This evidence focuses on two individuals as helping to lead and coordinate this campaign of violence.

The first individual named by Mr. Ocampo is Ahmad Muhammad Harun, former state minister of the interior, and now a state minister for humanitarian affairs for the Government of Sudan. State minister for humanitarian affairs—it is hard to even speak those words.

From 2003 to 2005, Harun was responsible for the "Darfur security desk" in the Sudanese Government. His most important task was the recruitment of janjaweed militias. He recruited them, as Prosecutor Ocampo points out, with the full knowledge that the janjaweed militia members he was recruiting "would commit crimes against humanity and war crimes against the civilian population of Darfur."

That was, in fact, the point of his recruitment effort.

The second individual named in the prosecutor's presentation of evidence to the court is Ali Abd-al-Rahman, also known as Ali Kushayb.

Ali Kushayb is a janjaweed commander who personally led attacks on villagers, just as the Sudanese Government intended.

This was part of a coordinated strategy of the Sudanese Government to achieve victory over rebels not by confronting the rebels but by attacking

the civilian populations around them, by destroying entire villages and driving out or killing every inhabitant.

Let me read a short section of Mr. Ocampo's document to illustrate the crimes these two men helped coordinate and lead. It is graphic and horrifying. This is what they wrote:

During the attack on [the village of] Bindisi on or about 15 August 2003, Ali Kushayb was present wearing military uniform and he was issuing orders to the Militia/Janjaweed. Ground forces were shooting at civilians and burning huts. The attacking forces pillaged and burned dwellings, properties and shops. The attack on Bindisi lasted for approximately five days and resulted in the destruction of most of the town and the death of more than 100 civilians, including 30 children.

In Arawala, in December 2003, Ali Kushayb personally inspected a group of naked women before they were raped by men under his command. A witness said she and the other women were tied to trees with their legs apart and continually raped.

In or around March 2004, Ali Kushayb personally participated in the execution of at least 32 men from Mukjar. The evidence shows Ali Kushayb standing near the entrance of the prison and hitting these men as they filed past and into Land Cruisers. The vehicles left with Ali Kushayb in one of them. About fifteen minutes later, gunshots were heard and the next day 32 dead bodies were found in the bushes.

The Application [which is the term for Ocampo's presentation of evidence] alleges that Ahmad Harun and Ali Kushayb bear criminal responsibility in relation to 51 counts of war crimes and crimes against humanity including: rape; murder; persecution; torture; forcible transfer; destruction of property; pillaging; inhumane acts; outrage upon personal dignity; attacks against the civilian population; and unlawful imprisonment or severe deprivation of liberty.

Many can ask, why, when hundreds of thousands of people have died and millions have suffered, why just single out these two men? What does this presentation of evidence to a court sitting in the Hague in Europe accomplish? Why single them out? Because that is where you start and because this submission by the prosecutor illustrates a direct chain of command from the janjaweed, who rode into the villages on horseback to rape, murder, and plunder, to the official government in Khartoum that orchestrated these atrocities.

It is an act of accountability, when up to now there has been none. But it is not enough.

The International Criminal Court has issued summonses for the two men named by Mr. Ocampo. If they do not appear, it must issue arrest warrants. If the Sudanese Government does not turn them over, then the United Nations Security Council must act.

But this is about far more than two individuals. It is time for the United States of America to lead. Here in Congress, we have been told that progress is being made. I do not see it at all. We have been told that we cannot push harder at the United Nations because the Chinese may veto any resolution we put forward.

I have a simple proposition. Let's put this matter before the U.N. Security

Council. Let's let the American representative—our Ambassador—to the United Nations vote in accordance with our finding that a genocide is taking place. Let's let every civilized nation in the world know where we stand. And let's ask them on the record where they stand.

If any country—China or any other—wants to step up and say we should take no action to stop this genocide, so be it. Let the record of history show where they stand as this genocide unfolds.

Congress has passed many bills giving the administration additional sanctions they can presently use as tools by the United States to stop this genocide.

On two different occasions, I have spoken directly and personally with the President about Darfur. I feel very intensely about it. I have said on the floor before—and I think it bears repeating—as a student in this city at Georgetown University, I had a famous professor named Jan Karski. He was in the Polish Underground during World War II and came to the United States to try to alert them to the evidence that he had accumulated about the Holocaust that was taking place. He was a man who spoke broken English, but he was on a mission, looking for anyone who would listen to him, praying that the United States, that he heard so much about, would step forward and do something to stop this Holocaust. He met with a few individuals. He did not get to the highest levels of our Government and left in frustration, having accomplished very little.

Some 25 or 30 years later, Dr. Karski was a professor at my university. I remember when he told that story, I thought to myself: How could this happen? How could 6 million people die and no one do anything about it? He tried. At least he tried. But what about everyone else? I did not understand it. But now I do. I do because I have watched what has happened in Darfur since the genocide was declared. The honest answer is: Almost nothing. And the honest answer is: The United States of America has done almost nothing.

I have asked the President directly. I have spoken to Secretary of State Condoleezza Rice, and I have spoken to all who will listen, begging them to do something, something to respond to this declared genocide.

Special Envoy Andrew Natsios said that come January 1, the United States would exercise sanctions if Sudan did not agree to a joint African Union-United Nations peacekeeping mission.

Well, January 1 came and went and no mission was allowed. There is no joint peacekeeping mission in the Sudan today, and it is March 1.

I believe we should use every economic and diplomatic tool at our disposal. We should implement additional sanctions immediately. But, more importantly, we must convince other

countries and the United Nations to do the same. And it starts with us personally, divesting ourselves of those businesses that are doing business in Sudan.

I made this speech and put out a press release a month or two ago, and some enterprising reporter went through the 5 or 10 mutual funds my wife and I owned and spotted one that had an investment in PetroChina. PetroChina is the Chinese oil company in the Sudan. He identified that mutual fund, and I sold it immediately. I was not embarrassed because you cannot really keep up with a mutual fund and everything they own. But I knew I had an obligation to do something once I was advised. It wasn't that difficult for my family. Certainly it didn't damage my portfolio, as modest as it may be. But I ask everyone, if you seriously believe that the genocide in Darfur must end, start by seeing what you can do personally. Every American should ask if their investments are going to support the Government of Sudan. Every mutual fund director should ask the same thing. I have written to every college and university in my State asking them to divest of investments in Sudan until the genocide in Darfur ends. Unilateral sanctions by the United States are important, but multilateral sanctions imposed by the United Nations can make a difference. Genocide occurs because the world allows it to occur. It is time to prove that the 21st century will be different.

Mr. President, just a few days ago—in fact, just yesterday—in the Washington Post, a woman who is well known to many, Angelina Jolie, published an article about the situation in Darfur. It is entitled “Justice for Darfur.” Ms. Jolie, who is well known to all of us, is a comely actress whom I had a chance to meet a year or two ago when she came to town in her capacity as goodwill ambassador for the United Nations High Commission for Refugees. She has certainly proven her skill as an actor, and I think she has demonstrated that her caring for people around the world is genuine. The article she wrote in the Washington Post is one that, at the end of my statement, I will ask to have printed in the RECORD so that it is an official part of our Senate proceedings. She is in Bahai, Chad. She says in this article “Justice for Darfur” the following:

Sticking to this side of the Sudanese border is supposed to keep me safe.

Ms. Jolie writes:

By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit in 2004. The death toll has passed 200,000; in 4 years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

She talks about accountability. In this article, she says:

Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting

with impunity. Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court, has said that genocide is not a crime of passion, it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

Mr. President, she concludes by saying:

In my 5 years with the United Nations High Commission for Refugees, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.

It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.

What the worst people in the world fear most is justice. That's what we should deliver.

Mr. President, I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Washingtonpost.com, Feb. 28, 2007]

JUSTICE FOR DARFUR

(By Angelina Jolie)

BAHAI, CHAD.—Here, at this refugee camp on the border of Sudan, nothing separates us from Darfur but a small stretch of desert and a line on a map. All the same, it's a line I can't cross. As a representative of the United Nations High Commissioner for Refugees, I have traveled into Darfur before, and I had hoped to return. But the UNHCR has told me that this camp, Oure Cassoni, is as close as I can get.

Sticking to this side of the Sudanese border is supposed to keep me safe. By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit, in 2004. The death toll has passed 200,000; in four years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

Attacks on aid workers are rising, another reason I was told to stay out of Darfur. By drawing attention to their heroic work—their efforts to keep refugees alive, to keep camps like this one from being consumed by chaos and fear—I would put them at greater risk.

I've seen how aid workers and nongovernmental organizations make a difference to people struggling for survival. I can see on workers' faces the toll their efforts have taken. Sitting among them, I'm amazed by their bravery and resilience. But humanitarian relief alone will never be enough.

Until the killers and their sponsors are prosecuted and punished, violence will continue on a massive scale. Ending it may well require military action. But accountability can also come from international tribunals, measuring the perpetrators against international standards of justice.

Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting with impunity. Luis Moreno-Ocampo, chief

prosecutor of the International Criminal Court (ICC), has said that genocide is not a crime of passion; it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

On Monday I asked a group of refugees about their needs. Better tents, said one; better access to medical facilities, said another. Then a teenage boy raised his hand and said, with powerful simplicity, "Nous voulons une épreuve." We want a trial. He is why I am encouraged by the ICC's announcement yesterday that it will prosecute a former Sudanese minister of state and a Janjaweed leader on charges of crimes against humanity.

Some critics of the ICC have said indictments could make the situation worse. The threat of prosecution gives the accused a reason to keep fighting, they argue. Sudanese officials have echoed this argument, saying that the ICC's involvement, and the implication of their own eventual prosecution, is why they have refused to allow U.N. peacekeepers into Darfur.

It is not clear, though, why we should take Khartoum at its word. And the notion that the threat of ICC indictments has somehow exacerbated the problem doesn't make sense, given the history of the conflict. Khartoum's claims aside, would we in America ever accept the logic that we shouldn't prosecute murderers because the threat of prosecution might provoke them to continue killing?

When I was in Chad in June 2004, refugees told me about systematic attacks on their villages. It was estimated then that more than 1,000 people were dying each week.

In October 2004 I visited West Darfur, where I heard horrific stories, including accounts of gang-rapes of mothers and their children. By that time, the UNHCR estimated, 1.6 million people had been displaced in the three provinces of Darfur and 200,000 others had fled to Chad.

It wasn't until June 2005 that the ICC began to investigate. By then the campaign of violence was well underway.

As the prosecutions unfold, I hope the international community will intervene, right away, to protect the people of Darfur and prevent further violence. The refugees don't need more resolutions or statements of concern. They need follow-through on past promises of action.

There has been a groundswell of public support for action. People may disagree on how to intervene—airstrikes, sending troops, sanctions, divestment—but we all should agree that the slaughter must be stopped and the perpetrators brought to justice.

In my five years with UNHCR, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.

It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.

What the worst people in the world fear most is justice. That's what we should deliver.

Mr. DURBIN. Mr. President, I conclude by saying that the subcommittee which I chair of the Judiciary Committee, the Human Rights Sub-

committee, had a hearing several weeks ago on genocide in Darfur. We are preparing legislation as a result of that hearing to authorize State and local governments and others to divest of investments in Sudan and businesses that are doing business in Sudan and furthermore to extend the authority of the U.S. Department of Justice to prosecute those whom we find guilty of genocide in foreign lands. That authority currently exists for those whom we accuse and wish to prosecute for torture; the same thing should apply to crimes of genocide.

Those two legislative changes may help, but in the meantime it is time for our Government to help. I commended the Bush administration 4 years ago when they finally used the word "genocide" as it related to Darfur. I thanked then-Secretary of State Colin Powell for his courage in using that word. I said the same to Secretary of State Condoleezza Rice. But, having said that, we must understand that if we use the word and fail to act, what does it say of us? If we acknowledge that a genocide is taking place and do nothing, what does it say of America?

We have the power to do things, to change this. It will take political courage, not only in the White House but here in Congress. History will write in years to come whether we acted or not, as it is written about the lack of response to the Holocaust. I sincerely hope history will judge us late to the cause but rising with a sense of justice that is necessary to end this terrible killing.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO ARCHIE GALLOWAY

Mr. SESSIONS. Madam President, I would like to take a personal moment to express my deepest gratitude and bid farewell to my senior defense policy analyst, Archie Galloway.

For the past 10 years, Archie has dedicated his time, energy and skill to assisting me but more importantly to assisting America and the citizens of Alabama. He has been a friend and an asset to the Senate Armed Services Committee, and his performance stands as a tribute to the professionalism of our military community. Archie leaves us to join the private sector, but our Nation will continue to benefit from his many contributions for many years.

I congratulate Arch on his bright future but with a heavy heart. His experience as a battle-tested Army officer, Ranger, and 101st Airborne Screaming